

Minutes of the February 18, 2004 Meeting
Conference Room B, Audrey P. Beck Building

Present: Quentin Kessel, Lanse Minkler (acting Chairman), John Silander, Robert Thorson and Frank Trainor.

Absent: Denise Burchsted, Robert Dahn, and Jennifer Kaufman.

Town Staff: Grant Meitzler, Inland Wetlands Agent

Guest: Peter Miniutti

1. The meeting was called to order at 7:40 PM.
2. It was agreed to change the order of business to accommodate guest Peter Miniutti of the Miniutti Group who was present to discuss W1250.

W1250 - Miniutti/Byron Thompson - 706 Mansfield City Road. Map date 2/11/04. "Wild Rose Estates" is a proposed nine-lot subdivision utilizing the new zoning procedure of establishing a maximum number of single-family homes under the older guidelines and then rearranging the layout, hopefully to maximize, among other things, land set aside for open space. The rearranged layout by the Miniutti Group was viewed positively; however, past and future activities that might negatively affect a very special wetland, one supporting a rare and intact feature of the landscape were discussed at length. The rare feature of the landscape is an unusual and surviving white cedar swamp. Past activities in the vicinity of the swamp include a gravel removal operation in which a fairly coarse aggregate is assumed to have been removed approximately 15 years ago. More recently, it has been replaced with a very different type of fill, which was excavated from the present site of the UConn Coop. Both geologist Thorson and ecologist Silander expressed great concern with the recent filling because the fill is of such a nature that it might provide a relatively impermeable layer of material with unknown consequences for the white cedar swamp. The project calls for the drainage of surface water from the new development into a retention pond within the filled area. It is assumed that the fill, with its different texture, may change the nature and composition/chemistry of the flow into the nearby white cedar swamp.

The CC recommends that the developer be required to hire a good wetlands ecologist with knowledge of oligotrophic (nutrient-sensitive) systems to address these concerns before approval of the subdivision plan. Without having sufficient knowledge of the effect of the new waterflow into this very delicate and important ecosystem the Conservation Commission is unable to know whether this project will, or will not, have a significant negative impact on this unusually important wetland. It was agreed not to vote on this matter until additional information is presented to the Commission.

The CC also expressed concern with the new subdivision regulations that permit frontage along a shared driveway to count towards the frontage requirements. Kessel

expressed embarrassment that he had not picked up on this aspect of the new regulations earlier. He noted that he recently purchased a lot to protect Codfish Falls from encroachment from developers. This lot, with approximately 300 feet of frontage and 700 feet in depth, for which under the original regulations only a single house might have been constructed, can now become a three-lot subdivision. The end result would be the preservation of less, not more open space.

3. The Minutes of the January 21, 2004 meeting were approved, following a motion by Trainor, seconded by Thorson.

4. New Business.

a) Kessel reported on letters the CC received from Arthur Rocque, Commissioner of the DEP (attachment 1) and Corinne Fitting of DEP's Water Management Bureau Planning and Standards Division (attachment 2).

The Rocque letter reported that he had forwarded our aquifer protection concerns to his new Water Bureau Chief Yvonne Bolton. His letter also addressed the CC's concern with regard to whether restrictions may be imposed by the town's legislative body on a Conservation Commission's direct correspondence with the Department of Environmental Protection, in particular when such correspondence is consistent with said Commission's broad statutory charge. Rocque reported that he initially sought the guidance of the Attorney General in this matter, but has since lost a not very conclusive memo from the AG. His recall is that such authority fell short of what might be considered a "gag" order. Rocque's personal opinion is, "that a greater amount of public dialogue on the environmental issues of the day, however discordant or disruptive the discourse may seem, is far superior to a lesser amount of public dialogue."

The Fitting letter was in response to the CC's request for the scientific references (or if not available, at least copies of their internal memos/discussion/summaries/ minutes/etc.) which might justify their apparently faulty policy of excluding watersheds drained by perennial streams from appropriate aquifer protections, even when it is clear they disappear into the stratified drift of an aquifer during dry periods. (Only watershed drained by intermittent, or annual streams may be considered as direct recharge areas under existing DEP policy.) Her response to our request was that the procedure "was made as a policy decision based on our best professional judgment. While such policy was not recorded in writing, it has been consistently used in all twenty approved mapping of Level A areas."

b) A USGS article by Gardner Bent and Stacy Archfield on estimating the probability of a stream flowing perennially was discussed. This research shows that the probability depends upon such factors as the drainage area, areal percentage of stratified drift deposits, drainage density and mean basin slope. Because of this, especially the dependence upon the area of the watershed, it may be argued that the areal size of a watershed will be more directly related to its contribution of water to an aquifer than whether, or not, it is drained by a perennial stream. Kessel reported on a telephone conversation with Gardner Bent in which Bent agreed that given two neighboring watersheds with similar slopes, soils and vegetation, the amount of water

entering the ground flow (and the aquifer) per square meter of surface area would likely be the same.

In view of this more recent research, it was agreed that a response should be made to Fitting's letter requesting that the DEP revise this aspect of its aquifer regulations, rather than continuing with its apparently faulty assumption concerning watersheds drained by perennial streams. The subcommittee of Kessel, Thorson, and Silander that had previously discussed this matter with Leggette, Brashears and Graham, Inc. (the company doing most of the level A mapping in Connecticut, including the University's Fenton River mapping) agreed to draft and forward such a letter to the DEP.

c) Torrey Boundary Marking Update. Dahn and Kessel have marked most of the boundary with ribbons. Dahn will obtain a copy of the map for the Town-owned property that was deeded to the Town as a part of the Holly Drive subdivision, so that they may complete the job.

d) Shelter Falls Boundary. Silander volunteered to help with the marking of this property.

e) Town Plan of Conservation and Development. An email from Kaufman reported that the Lands of Unique Value study has been completed and can be viewed on the on the Town's web page. The Town is still working with the consultant to ensure full use of digital mapping issues. It is expected that the LUV mapping will be able to be modified for incorporation into a finalized Town Plan. During the next few months' staff will be working with a subcommittee of the Planning and Zoning Commission and other Town committees to complete a draft plan update for presentation to the public.

4. Remaining IWA Referrals.

W1247 - Jungden - Mansfield City Road. Map date 1/23/04. This is an application for a driveway relocation within 150 feet of wetlands. Kessel moved, and Minkler seconded, that this construction should have no significant negative impact on the nearby wetlands as long as the sedimentation and erosion controls shown on the map were in place during construction and removed after the site has stabilized. However, as a part of the motion it was requested that the driveway begin at the edge of the existing parking area in order to move the driveway that much further from the wetland. The motion passed with four in favor and one abstention.

W1248 - Rock - Browns Road. Map date 1/19/03. This is an application for a 4 lot subdivision continuing the Kidder Brook subdivision. Kessel reported that at the previous evenings Opens Space Preservation Committee (OSPC) meeting that the OSPC had unanimously agreed that the stone walls along Brown's Road should be preserved and, where necessary, rebuilt. Wetherell also made the request that the Conservation Commission forward this recommendation to the IWA and PZC together with the OSPC concern with the wetland/nonwetland fraction of the conservation easement compared with that of the overall subdivision be checked. Kessel moved, and Minkler seconded, that for lots 3,5 and 6, this construction should have no significant negative impact on the nearby wetlands as long as the sedimentation and erosion controls shown on the map were in place during construction and removed after

the site has stabilized. The motion passed with four in favor and one abstention. In a separate motion, Kessel moved, and Trainor seconded, that the proposed construction on lot 4 may have a significant negative impact on the wetland because of the narrow development envelopment and its proximity to the wetlands as well as the need for a pumped septic system requiring approximately 200 feet of pipe along the edge of the wetlands. Also noted was that the yard would apparently be graded right to the edge of the wetlands. The motion passed with four in favor and one abstention.

5. The meeting adjourned at 9:40 P.M.

Respectfully submitted,

Quentin Kessel
Secretary